

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STEPHEN SLEVIN,

Plaintiff,

v.

No. CIV 08-01185 MV/DJS

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF DOÑA ANA, et al.,

Defendants.

**SPECIAL VERDICT FORM**

**FILED**  
UNITED STATES DISTRICT COURT  
SANTA FE, NEW MEXICO

JAN 24 2012

MATTHEW J. DYKMAN  
CLERK

**Question No. 1:**

A. Do you find by a preponderance of the evidence that Defendant Barela is liable for depriving Plaintiff of his constitutional right to humane conditions of confinement?

Yes  No \_\_\_\_\_

B. Do you find by a preponderance of the evidence that Defendant Barela is liable for depriving Plaintiff of his constitutional right to receive adequate medical attention?

Yes  No \_\_\_\_\_

C. Do you find by a preponderance of the evidence that Defendant Barela is liable for depriving Plaintiff of his procedural due process rights?

Yes  No \_\_\_\_\_

*If you answered "yes" to ANY subpart of Question 1, please answer Questions 2 through 4.*

*If you answered "no" to ALL subparts of Question 1, please skip Questions 2 through 4 and move on to Question 5.*

**Question No. 2:**

Do you find by a preponderance of the evidence that Plaintiff is entitled to compensatory damages from Defendant Barela as a result of his deprivation of Plaintiff's constitutional rights?

Yes  No \_\_\_\_\_

Question No. 3:

A. Do you find by a preponderance of the evidence that Plaintiff is entitled to punitive damages from Defendant Barela as a result of his deprivation of Plaintiff's constitutional rights?

Yes  No \_\_\_\_\_

*If you answered "yes" to Question 3(A), please answer Question 3(B).*

*If you answered "no" to Question 3(A), please skip Question 3(B) and move on to Question 4.*

B. What is the amount of punitive damages to which Plaintiff is entitled against Defendant Barela?

3 million dollars

Question No. 4:

A. Do you find by a preponderance of the evidence that Defendant Board of Commissioners for the County of Doña Ana is liable for Defendant Barela's deprivation of Plaintiff's constitutional rights?

Yes  No \_\_\_\_\_

*If you answered "yes" to Question 4(A), please answer Question 4(B).*

*If you answered "no" to Question 4(A), please skip Question 4(B) and move on to Question 5.*

B. Do you find by a preponderance of the evidence that Plaintiff is entitled to compensatory damages from Defendant Board of Commissioners for the County of Doña Ana as a result of Defendant Barela's deprivation of Plaintiff's constitutional rights?

Yes  No \_\_\_\_\_

**Question No. 5:**

A. Do you find by a preponderance of the evidence that Defendant Zemek is liable for depriving Plaintiff of his constitutional right to humane conditions of confinement?

Yes  No \_\_\_\_\_

B. Do you find by a preponderance of the evidence that Defendant Zemek is liable for depriving Plaintiff of his constitutional right to receive adequate medical attention?

Yes  No \_\_\_\_\_

C. Do you find by a preponderance of the evidence that Defendant Zemek is liable for depriving Plaintiff of his procedural due process rights?

Yes  No \_\_\_\_\_

*If you answered "yes" to ANY subpart of Question 5, please answer Questions 6 through 8.*

*If you answered "no" to ALL subparts of Question 5, please skip Questions 6 through 8 and move on to Question 9.*

**Question No. 6:**

Do you find by a preponderance of the evidence that Plaintiff is entitled to compensatory damages from Defendant Zemek as a result of his deprivation of Plaintiff's constitutional rights?

Yes  No \_\_\_\_\_

**Question No. 7:**

A. Do you find by a preponderance of the evidence that Plaintiff is entitled to punitive damages from Defendant Zemek as a result of his deprivation of Plaintiff's constitutional rights?

Yes  No \_\_\_\_\_

*If you answered "yes" to Question 7(A), please answer Question 7(B).*

*If you answered "no" to Question 7(A), please skip Question 7(B) and move on to Question 8.*

B. What is the amount of punitive damages to which Plaintiff is entitled against Defendant Zemek?

3 1/2 million dollars

**Question No. 8:**

A. Do you find by a preponderance of the evidence that Defendant Board of Commissioners for the County of Doña Ana is liable for Defendant Zemek's deprivation of Plaintiff's constitutional rights?

Yes  No \_\_\_\_\_

*If you answered "yes" to Question 8(A), please answer Question 8(B).*

*If you answered "no" to Question 8(A), please skip Question 8(B) and move on to Question 9.*

B. Do you find by a preponderance of the evidence that Plaintiff is entitled to compensatory damages from Defendant Board of Commissioners for the County of Doña Ana as a result of Defendant Zemek's deprivation of Plaintiff's constitutional rights?

Yes  No \_\_\_\_\_

**Question No. 9:**

A. Do you find by a preponderance of the evidence that Defendant Barela is liable for violating Plaintiff's rights under the Americans with Disabilities Act?

Yes  No \_\_\_\_\_

*If you answered "yes" to Question 9(A), please answer Question 9(B).*

*If you answered "no" to Question 9(A), please skip Question 9(B) and move on to Question 10.*

B. Do you find by a preponderance of the evidence that Plaintiff is entitled to compensatory damages from Defendant Barela as a result of his violation of Plaintiff's rights under the Americans with Disabilities Act?

Yes  No

Question No. 10:

A. Do you find by a preponderance of the evidence that Defendant Doña Ana County Detention Center committed the tort of false imprisonment against Plaintiff?

Yes  No

*If you answered "yes" to Question 10(A), please answer Question 10(B).*

*If you answered "no" to Question 10(A), please skip Question 10(B) and move on to Question 11.*

B. Do you find by a preponderance of the evidence that Plaintiff is entitled to compensatory damages from Defendant Doña Ana County Detention Center for its commission of the tort of false imprisonment against Plaintiff?

Yes  No

Question No. 11:

A. Do you find by a preponderance of the evidence that Defendant Doña Ana County Detention Center is liable for committing the tort of negligent operation or maintenance of a building?

Yes  No

*If you answered "yes" to Question 11(A), please answer Question 11(B).*

*If you answered "no" to Question 11(A), please skip Question 11(B) and continue to Question 12.*

B. Do you find by a preponderance of the evidence that Plaintiff is entitled to compensatory damages from Defendant Doña Ana County Detention Center as a result of its commission of the tort of negligent operation or maintenance of a building?

Yes ~~Yes~~ No \_\_\_\_\_

Question No. 12:

*If you answered "yes" to ANY of the following questions: Question 2, 4(B), 6, 8(B), 9(B), 10(B), OR 11(B), please answer Question 12.*

*If you answered "no" to ALL of the following questions: Question 2, 4(B), 6, 8(B), 9(B), 10(B), AND 11(B), please do not answer any further questions.*

What is the amount of compensatory damages to which Plaintiff is entitled?

15.5 million  
500K a month while incarcerated x 23 months  $\rightarrow$  11.5 million  
1 million a year post incarceration  $\rightarrow$  + 4 million  
15.5 million

Jan 24<sup>th</sup> 2012  
DATE

FOREPERSON